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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,208	02/08/2000	Katherine Betz	YO999-547	2257

7590 12/29/2005
William E. Lewis
Ryan & Mason LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,208

Applicant(s)

BETZ ET AL.

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This communication is in response to amendment filed on October 26, 2005. Applicant amended claims 1,13,25,26. Claims 1-26 are pending.

Response to Arguments

2. Applicant's arguments filed 10/26/2005, with respect to claims 1-26 have been considered but are not persuasive.

3. Applicant argues that "Gish does not execute view-generating logic on the server", and that the front-end code is never active (executed) on the server.

In reply, it is noted that the features upon which applicant relies (i.e., execute view-generating logic on the server) are not explicitly recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Firstly, there is no need in Gish for the front-end to be executed on the server. The front-end is interpreted as 'a subset of the model', where the model is the front-end and the back-end components. Secondly, the claims are broadly interpreted. The claims broadly state that the server is 'configured' to execute view-generating logic associated with the application. This can be interpreted to mean that the server is configured to execute this logic in a remote fashion, in this case on the client. The server sends events to the client, which then displays data in a user interface, thus remotely executing view-generating logic. (see Gish, column 23 lines 40-55, column 36 lines 60-67, the other sections cited below, and the remainder of the reference). The

claims fail to specify that the client and server perform both 'storing' and 'executing' locally. Therefore the claims are broadly interpreted to encompass the possibility of causing remote storage or execution.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1,13,25,26 recites the limitation "view-generating and controller logic resident thereon" in line 11. There is insufficient antecedent basis for this limitation in the claim. There is no prior mention of this logic being stored on either the client or the server. There is only prior mention of a model being stored.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gish (U.S. Patent No. 5,768,510).**

Gish teaches the invention as claimed including a method, a system and an article of manufacture for use in a client/server system of reducing interactions between a client and server

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in association with an application being accessed by the client at the server (see Gish, Abstract and column 5 lines 20-50).

8. In reference to claims 1,13,25 and 26, Gish teaches the above method, system and article of manufacture comprising the steps of:

Configuring the server to store a model associated with the application and to maintain view-generating and controller logic associated with the application (column 16 lines 19-67, column 18 lines 10-35, column 18 line 60 – column 19 line 20 and column 20 lines 40-60)

Configuring the client to store at least a subset of the model associated with the application and to maintain at least a subset of the view-generating and controller logic associated with the application, wherein one or more portions of the application are performed at the client without the client having to interact with the server (column 18 lines 10-45 and column 21 lines 10-55).

9. In reference to claim 2 and 14, Gish teaches the method and system of claims 1 and 13 respectively wherein the client and server communicate over a HyperText Transport Protocol network (column 14 lines 43-67 and column 16 lines 19-40).

10. In reference to claim 3 and 15, Gish teaches the method of claim 1 and 13 respectively wherein the client performs the one or more portions of the application in accordance with browser software running thereon (column 16 lines 19-40 and column 17 lines 1-37).

11. In reference to claim 4 and 16, Gish teaches the method and system of claim 3 and 15 respectively wherein the configuring step further comprises the step of partitioning a screen area associated with the browser software into frames (column 35 lines 25-50).

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12. In reference to claim 5 and 17, Gish teaches the method and system of claim 4 and 16 above, wherein the at least a subset of the model, the view-generating and the controller logic associated with the application are associated with at least one frame and one or more views for display in accordance with the application are associated with at least another frame (column 35 lines 25-50 and column 37 line 55 – column 38 line 40).

13. In reference to claim 6 and 18, Gish teaches the method and system of claim 5 and 17 above wherein the at least one view frame is a visible frame (column 2 line 60 – column 3 line 45 and column 35 lines 25-50).

14. In reference to claim 7 and 19, Gish in view of Doyle teach the method and system of claim 5 and 17 above, wherein the at least one frame associated with the at least a subset of the model, the view-generating logic and the controller logic is not a visible frame (column 2 line 60 – column 3 line 45, column 35 lines 25-50 and column 45 line 55 – column 46 line 15).

15. In reference to claim 8 and 20, Doyle teaches the method and system of claim 4 and 16 respectively wherein the configuring step further comprises forming at least one frame with which application-independent view-generating logic and controller logic is associated (column 2 line 60 – column 3 line 45, column 35 lines 25-50 and column 45 line 55 – column 46 line 15).

16. In reference to claim 9 and 21, Doyle teaches the method and system of claim 8 and 20 respectively wherein the at least one application-independent view-generating logic and controller logic frame further has an application-independent model associated therewith (column 21 lines 10-60 and column 24 lines 5-30).

17. In reference to claim 10 and 22, Doyle teaches the method of claim 8 and 20, wherein the at least one application-independent view-generating logic and controller logic frame serves as

an application programming interface for developing views to be displayed in accordance with the application (column 21 lines 10-60 and column 24 lines 5-30).

18. In reference to claim 11 and 23, Gish in view of Doyle teach the method and system of claim 10 and 22 above wherein the views are implemented in accordance with the HyperText Markup Language and the application programming interface is implemented in accordance with the JavaScript language (column 10 lines 10-25, column 15 lines 1-55 and column 16 lines 19-33).

19. In reference to claim 12 and 24, Doyle teaches the method and system of claim 1 and 13 respectively, wherein the at least a subset of the model, the view-generating and the controller logic associated with the application are downloaded from the server to the client upon demand (Summary and column 18 lines 14-67).

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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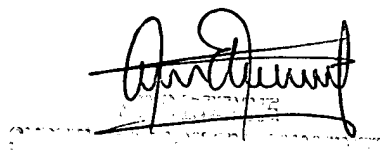
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
December 17, 2005

A handwritten signature in black ink, appearing to read 'Ramy M. Osman', is written over a horizontal line. The signature is stylized with a large initial 'R' and a cursive 'M'.